

REMARKS

By this Amendment, claims 2-3, 7-8, 12-13 and 17-18 are amended. Claims 4-5, 9-10, 14-15 and 19-20 remain in the application. Thus, claims 2-5, 7-10, 12-15 and 17-20 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

On page 2 of the Office Action, claims 2-5, 7-10, 12-15 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mutschler, III et al. (U.S. 5,974,430, hereinafter "Mutschler") in view of Lev et al. (U.S. 5,729,544, hereinafter "Lev"). This rejection is respectfully traversed for the following reasons.

An object of the present invention is to provide a content retrieval device that retrieves content data from a server and selects a suitable connection method prior to reception of the data.

Therefore, the content retrieval device of the present invention selects, from either one of a packet switching connection method and a circuit switching connection method, the most suitable connection method complying with the content data prior to reception of the data.

In rejecting the present application, the Examiner acknowledged that Mutschler does not disclose or suggest choosing a method for connecting with a client.

To teach this feature, the Examiner applied Lev, which discloses a method for transmitting data packets based on a message type. In particular, Lev discloses that an information source (content data) is converted to a data packet. Then, based on the data packet, a message type is determined. Then, based on the message type, either a packet switching connection method or a circuit switching connection method is selected (see Column 4, lines 30-44 and Figure 4).

This disclosure of Lev, however, is contradictory. In the circuit switching connection method, communication using a data packet is not supposed to be conducted. Therefore, according to Lev, when information is converted to a data packet, the circuit switching connection method is no longer an option.

Furthermore, according to Lev, in a description of a TCP session, it is disclosed that a message type is to be indicated by a TCP session header (see Column 4, lines 38-41). However, Lev does not disclose which specific information of the TCP session

header is to be used to determine a connection method. Therefore, to one skilled in the art, it is unclear how a connection method is to be determined in Lev based on the TCP session header.

Accordingly, Lev does not disclose the following characteristic of the present invention, namely that prior to reception of the data, the most suitable connection method complying with the content data is selected from either one of a packet switching connection method and a circuit switching connection method.

I. Claims 2, 7, 12 and 17

Claim 2 recites a content retrieval device which selects a suitable connection method in compliance with a connection method indicated in the content data from either one of a packet switching connection method and a circuit switching method. Claims 7, 12 and 17 each recite selecting a suitable connection method in compliance with a connection method indicated in the content data from either one of a packet switching connection method and a circuit switching method. Claims 2, 7, 12 and 17 also define that the content data is a text file written in a markup language.

Therefore, the content retrieval device of claim 2 and the operations of claims 7, 12 and 17 can easily select, by referring to a text file written in a markup language such as HTML, either one of the packet switching connection method and the circuit switching connection method without converting the content data to a data packet.

However, Lev discloses that an information source (content data) is converted to a data packet. Then, based on the data packet, a message type is determined. Then, based on the message type, either a packet switching connection method or a circuit switching connection method is selected. Accordingly, in contrast to the inventions of claims 2, 7, 12 and 17, Lev must first convert an information source to a data packet before deciding which packet connection method is suitable.

Consequently, even if Mutschler and Lev are combined, the content retrieval device of claim 2 and the methods of claims 7, 12 and 17 cannot be obtained. Therefore, no obvious combinations of Mutschler and Lev would result in the inventions of claims 2, 7, 12 and 17 since Mutschler and Lev, either individually or in combination, fail to obtain the effects of the inventions of claims 2, 7, 12 and 17 and fail to disclose or suggest each and every limitation in claims 2, 7, 12 and 17.

Accordingly, for at least the foregoing reasons, claims 2, 7, 12 and 17 are clearly patentable over the combination of Mutschler and Lev.

II. Claims 3, 8, 13 and 18

The content retrieval device of claim 3 is recited as selecting a suitable connection method in compliance with a file attribute indicated in the content data from either one of a packet switching connection method and a circuit switching connection method.

Claims 8, 13 and 18 each recite selecting a suitable connection method in compliance with a file attribute indicated in the content data from either one of a packet switching connection method and a circuit switching connection method. Furthermore, claims 3, 8, 13 and 18 each define the content data as a text file written in a markup language.

Therefore, the inventions of claims 3, 8, 13 and 18 can easily select, by referring to a text file written in a markup language such as HTML, either one of a packet switching connection method and a circuit switching method without converting the content data to a data packet.

However, as stated above, Lev must convert the information source to a data packet before selecting a suitable connection method.

Consequently, even if Mutschler and Lev are combined, the content retrieval device of claim 3 and the methods of claims 8, 13 and 18 cannot be obtained. Therefore, no obvious combinations of Mutschler and Lev would result in the inventions of claims 3, 8, 13 and 18 since Mutschler and Lev, either individually or in combination, fail to obtain the effects of the inventions of claims 3, 8, 13 and 18 and fail to disclose or suggest each and every limitation in claims 3, 8, 13 and 18.

Accordingly, for at least the foregoing reasons, claims 3, 8, 13 and 18 are clearly patentable over the combination of Mutschler and Lev.

III. Claims 4, 9, 14 and 19

The content retrieval device of claim 4 selects either the packet switching connection method or the circuit switching method based on a feature of content data indicated by a part of locational information. Claims 9, 14 and 19 each recite selecting either the packet switching connection method or the circuit switching method based on a feature of content data indicated by a part of locational information.

Therefore, the inventions of claims 4, 9, 14 and 19 can easily select, by referring to locational information of the content data, either one of a packet switching connection method and a circuit switching method without converting the content data to a data packet.

However, as stated above, Lev must convert the information source to a data packet before selecting a suitable connection method.

Consequently, even if Mutschler and Lev are combined, the content retrieval device of claim 4 and the methods of claims 9, 14 and 19 cannot be obtained. Therefore, no obvious combinations of Mutschler and Lev would result in the inventions of claims 4, 9, 14 and 19 since Mutschler and Lev, either individually or in combination, fail to obtain the effects of the inventions of claims 4, 9, 14 and 19 and fail to disclose or suggest each and every limitation in claims 4, 9, 14 and 19.

Accordingly, for at least the foregoing reasons, claims 4, 9, 14 and 19 are clearly patentable over the combination of Mutschler and Lev.

IV. Claims 5, 10, 15 and 20

The content retrieval device of claim 5 selects a suitable connection method from either one of the packet switching connection method and the circuit switching connection method based on a content header which includes a file attribute of the content data. Claims 10, 15 and 20 each recite selecting selects a suitable connection method from either one of the packet switching connection method and the circuit switching connection method based on a content header which includes a file attribute of the content data.

Therefore, the inventions of claims 5, 10, 15 and 20 can easily select, by referring to the content header which includes the file attribute of the content data, either one of a packet switching connection method and a circuit switching method without converting the content data to a data packet.

However, as stated above, Lev must convert the information source to a data packet before selecting a suitable connection method.

Consequently, even if Mutschler and Lev are combined, the content retrieval device of claim 5 and the methods of claims 10, 15 and 20 cannot be obtained. Therefore, no obvious combinations of Mutschler and Lev would result in the inventions

of claims 5, 10, 15 and 20 since Mutschler and Lev, either individually or in combination, fail to obtain the effects of the inventions of claims 5, 10, 15 and 20 and fail to disclose or suggest each and every limitation in claims 5, 10, 15 and 20.

Accordingly, for at least the foregoing reasons, claims 5, 10, 15 and 20 are clearly patentable over the combination of Mutschler and Lev.

Because of the clear distinctions discussed above, it is submitted that the teachings of Mutschler and Lev clearly do not meet each and every limitation of claims 2-5, 7-10, 12-15 and 17-20, and therefore, no obvious combination of Mutschler and Lev would result in the inventions of claims 2-5, 7-10, 12-15 and 17-20.

Furthermore, it is submitted that the distinctions discussed above are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Mutschler and Lev in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 2-5, 7-10, 12-15 and 17-20.

Therefore, it is submitted that the claims 2-5, 7-10, 12-15 and 17-20 are clearly allowable over the prior art as applied by the Examiner.

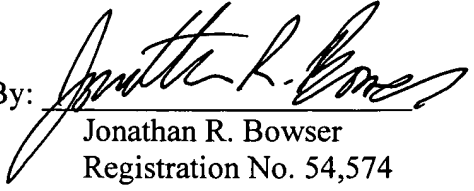
In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a three-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

Takuya KOBAYASHI et al.

By: 

Jonathan R. Bowser
Registration No. 54,574
Attorney for Applicants

JRB/nrj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
December 16, 2005